

## Chapter 4: Comments and Coordination

### 4.1 Public Involvement Overview

Because NEPA encourages public involvement throughout the EA process, a public involvement program was created at the onset of the Cheyenne Avenue project to solicit public input. The purpose of the public involvement program was to receive input from the public; affected Federal, State, and local agencies; and any other stakeholders while fostering and improving interaction and communication between ITD, the City of Pocatello, and the various stakeholders.

The main goals of the project's public involvement program were to:

- Facilitate effective communication.
- Reach consensus on study topics and methodologies.
- Identify sensitive resources and issues.
- Resolve issues as early as possible.
- Allow interaction and exchange of issues and concerns among the public, agencies, and engineers throughout the study process.

The primary issues and concerns regularly identified during this planning study included:

- Safety, with an emphasis on students attending the Indian Hills Elementary School
- Relocation impacts to residences and businesses
- Impacts to petroglyphs and other sensitive cultural resources
- Project schedule, including potential construction phasing and funding
- Impacts to wildlife and the Edson Fichter Nature Area
- Current and future traffic congestion
- Long-range planning
- Project purpose, need, and cost

## **4.2 Public Involvement Process**

The following public involvement process was conducted in conjunction with preparing this EA.

### **4.2.1 Stakeholder List**

The EA project team developed a list of property owners, business owners and tenants, and agency contacts who were affected by the project as well as local interest groups and community groups. This list was used to distribute the notices that informed stakeholders of project progress and upcoming public meetings.

### **4.2.2 Public Notices**

About 1,300 notices were sent to the stakeholder list. The first notification, a newsletter, informed those on the mailing list of the date, time, and place of the first public meeting (15 May 2000) and gave an overview of the project and the EA process. The City of Pocatello sent this newsletter to newspapers and local television stations including Channels 3 and 8 in Idaho Falls and Channel 6 in Pocatello. A follow-up news release was sent to the *Idaho Standard Journal* on 26 May 2000. Ads were placed in the *Idaho Standard Journal* on Sunday, 28 May 2000, and Tuesday, 30 May 2000.

A second newsletter identifying the date, time, and place for the second public meeting was mailed to about 1,300 individuals the week of 8 January 2001. Press releases were sent to local radio stations, newspapers, and TV stations including Channels 3 and 8 in Idaho Falls and Channel 6 in Pocatello, Idaho. Ads were placed in the *Idaho State Journal* on 20–23 January 2001. Articles appeared before and after the meeting in the local paper, and two television stations (ABC and NBC) promoted and reported on the meeting.

### **4.2.3 Citizen Advisory Committee**

A Citizen Advisory Committee (CAC) was established in October 2000 to assist with the corridor study and EA process. The CAC members represented various local interests including the Indian Hills Elementary School, emergency services, and local neighborhoods (such as residents of the Indian Hills subdivision). Throughout the study process, additional people were invited to the committee meetings as appropriate including potentially affected landowners.

The four CAC meetings are summarized below in Table 4.2-1.

**Table 4.2-1. Citizen Advisory Committee Meetings**

<b>Date of Citizen Advisory Committee Meeting</b>	<b>Meeting Summary</b>
4 October 2000	The CAC identified the problems and issues with the initial alignment alternatives, explored other alignment options, and discussed what issues and concerns should be addressed in the EA.
19 January 2001	The CAC members reviewed the purpose and need statement and the alternative alignments being considered. The CAC recommended no further consideration for the following alternatives: Extension Option, Cheyenne, and Hildreth North and South.
8 May 2001	The reconfigured Leo-Harper Modified North and South alignments and the reconfigured Shoshoni South Modified alignment were presented and compared.
19 December 2001	This meeting reviewed how the public input received on the project continued to affect the alternatives and their respective alignments. The meeting focused on the two alternatives that remained under study: Shoshoni South Modified and Leo-Harper Modified South.

#### 4.2.4 Public Meetings

Two public meetings have been held, with a third meeting (public hearing) scheduled for the EA public review period. Representatives from the City of Pocatello, Bannock Planning Organization, ITD, and the consultant team were present at each of these meetings. The City of Pocatello and its consultant team coordinated extensively with the media before each meeting, as well as between meetings, to provide updates and additional information about the project as needed.

At both meetings, all affected and interested parties (residents, business owners, public agencies, and so on) were encouraged to provide written and oral comments on the project. A comment area was set aside to encourage such participation, and mail-in comment sheets were also available. An open house format was used to encourage one-on-one discussions with the project study team.

The two public meetings are summarized below in Table 4.2-2.

**Table 4.2-2. Public Meetings**

<b>Public Meeting</b>	<b>Meeting Summary</b>
<b>Public Meeting 1</b> Date: 31 May 2000 Time: 7:00 PM Location: Indian Hills Elementary School	Presented information about the project and its purpose and need. Comments ranged from concerns about safety and traffic congestion to cost.
<b>Public Meeting 2</b> Date: 31 January 2001 Time: 7:00 PM Location: Indian Hills Elementary School	Presented information about the potential impacts of the six alignments under consideration, including the modified and extension options. Comments ranged from safety and emergency access to quality of life and aquifer protection.

#### 4.2.5 Public Comments

After each of the two public meetings listed above in Table 4.2-2, a summary of the comments received by mail, e-mail, and phone was published in a public meeting report. The meeting report was issued and available at local libraries, Indian Hills Elementary School, and City of Pocatello offices. A press release was issued about the report's availability.

The study team used these comments to consider which alignments to carry forward for continued study and how to modify them based on the public's concerns. Table 4.2-3 provides a tally of the comments received in support of an alignment option. Eleven comments either opposed an alignment but did not state a preference, or did not directly relate to the alternative alignment discussion.

**Table 4.2-3. Tally of Support by Alternative from the Public Meetings**

<b>Alignment Option</b>	<b>Individuals Supporting the Alignment</b>
Leo-Harper	15
Cheyenne	12
Shoshoni North	3
Shoshoni South and South Modified	28
Hildreth	11
Extension	3

### 4.3 Agency Merger Accord Meetings

The NEPA/404 Merger Accord process is a signed agreement with specific State and Federal agencies. Adopted in 1995, the accord commits the signatory agencies to integrating the NEPA, Section 404, and Section 10 permit procedures into the transportation programming, project development, and construction stages of all Federal-aid transportation projects in Idaho for which an individual Section 404 permit under the Clean Water Act may be required. The purpose of the accord is to enhance interagency cooperation and consultation among the signatory agencies.

Table 4.3-1 lists the agencies that participated in the Merger Accord process and their representatives. All key stakeholders and agencies were consulted and represented throughout the study process.

**Table 4.3-1. Agencies Participating in the Cheyenne Overpass, Pocatello Study**

Agency	Representative(s)
Idaho Transportation Department, District 5 <sup>a</sup>	Denise Stark, Corey Krantz, Denney Twitchell, Judy Harmon, Ed Bala, Alan Wubker
Federal Highway Administration <sup>a</sup>	Mary Gray, Ed Johnson, Brent Ingram
U.S. Army Corps of Engineers <sup>a</sup>	Nicole Braspenickx
U.S. Environmental Protection Agency <sup>a</sup>	John Olson
U.S. Fish and Wildlife Service <sup>a</sup>	Arthur Davenport
Idaho Department of Environmental Quality <sup>a</sup>	Tiffany Floyd, Melissa Keller
Idaho Department of Water Resources <sup>a</sup>	Greg Taylor
Idaho Department of Fish and Game <sup>a</sup>	Dean Rose
Bureau of Land Management	Geoff Hogander
Shoshone-Bannock Tribes	Diana Yupe, Mardel Tissidimit
Bannock Planning Organization	Mori Byington
Bannock County	Lori Bergeld, Bill Aller
City of Pocatello Zoo	Scott Ransom
Portneuf Soil & Water Conservation District	Ron Davidson

<sup>a</sup> Merger Accord signatory agency

The merger process generally involves project coordination and concurrence at three key points in the planning/decision process: (1) purpose and need, (2) alternatives to be carried forward for analysis in the NEPA document, and (3) the Preferred Alternative, including proposed mitigation. To accomplish these three objectives, two meetings were held with the merger participants to define the project's purpose and need and to identify and refine which alternatives to carry

forward for detailed evaluation in the EA. These meetings are summarized in Table 4.3-2. A final meeting to select a Preferred Alternative will occur after the public review and public hearing required for the Draft EA are complete. Each of the Merger Accord meetings summarized below (see Table 4.3-2) was held in Pocatello's City Hall.

After Merger Meeting 2, members decided that continuing the formal merger process would not be necessary for this project. The reason for this determination was that the impact on wetlands and waters of the U.S. was expected to cumulatively total less than 0.5 acre. However, because of the project's complexity and range of issues, the input received through ongoing agency and stakeholder communications has continued.

**Table 4.3-2. Agency Merger Accord Meetings**

<b>Meeting</b>	<b>Meeting Summary</b>
<b>Merger Meeting 1</b> Date: 31 May 2000	Participants initiated agency scoping and discussed the project's purpose and need, which was narrowed to two primary functions: (1) improve east-west mobility in the study area, and (2) improve long-term safety at the Cheyenne Avenue/UPRR crossing.
<b>Merger Meeting 2</b> Date: 11 January 2001	Participants reviewed the proposed purpose and need statement and suggested minor changes and additions. Participants also reviewed the six alternatives under study and voted to discontinue the following alternatives: Extension Option, Cheyenne, Shoshoni North, and Hildreth North and South.
<b>Merger Meeting 3</b> Date: 9 May 2001	Participants recommended further modification of the Shoshoni South Modified alignment to avoid impacts to archaeological resources and a commercial business on South 5th Avenue.

## 4.4 Agency Consultation and Coordination

Many agencies were consulted during preparation of the EA or contributed to its content. The forms of consultation included personal communications, phone interviews, field surveys, meetings, and letters. In the course of consultation, some individuals provided unpublished data, personal knowledge, and reports. In addition to the Merger Accord meetings described above, several other noteworthy meetings were held during the study process. Table 4.4-1 summarizes these meetings and coordination.

**Table 4.4-1. Agency Meetings and Coordination**

Date of Meeting	Agency/Entity	Meeting Summary
28 March 2001	IDFG	A mitigation area on the west side of the river was presented to IDFG. An estimated 6.5 to 9.2 acres of land would be available for mitigation. IDFG indicated that the agency would support the mitigation concepts presented, but wanted more information on potential impacts.
7 May 2001	ITD and Corps	The Corps determined that Johnny Creek requires a Section 404 permit, the historic and presently filled creek channel is not considered jurisdictional, and a formal wetland delineation report is not required.
24 May 2001	FHWA	The participants determined that one of the Leo-Harper Modified alignments should be carried forward for additional study.
Threatened, Endangered, and Sensitive Species Consultation: Multiple dates	USFWS, IDFG, Idaho State University, BLM	Six special-status species were identified in the project area that are either protected under the Endangered Species Act or are of concern to the USFWS because of their declining population.  Biologists with USFWS, IDFG, Idaho State University, and BLM were contacted for more information and discussion on special status-species in the study area.

## **4.5 Permits and Clearances**

### **4.5.1 No-Build Alternative**

The No-Build Alternative would not require any permits.

### **4.5.2 Leo-Harper Alternative**

Implementation of the Leo-Harper Alternative would require several regulatory permits. These permits and clearances could include the following.

***Clean Water Act Section 402 Permit, NPDES (IDEQ Division of Water Quality).*** Construction that would disturb more than 1 acre would require a National Pollutant Discharge Elimination System (NPDES) construction permit. Obtaining the NPDES permit requires developing a Storm Water Pollution Prevention Plan (SWPPP) that includes a Temporary Erosion and Sediment Control Plan (TESCP). The TESCP identifies BMPs as well as site-specific measures to minimize erosion and prevent eroded sediment from leaving the work zone. The SWPPP would also address flow, oil and grease monitoring, total suspended solids monitoring, pH, and other water quality monitoring requirements for storm water discharge, groundwater and construction dewatering, and hydrostatic testing discharge.

A water quality construction permit, independent from the NPDES construction permit, would also be required for the construction site when discharge from the right-of-way is in excess of 5 cfs (cubic feet per second) for the 10-year, 24-hour-duration storm.

***Stream Alteration Permit (Idaho Division of Water Rights).*** The Idaho Division of Water Rights requires a permit for any activity that potentially alters a stream or river environment or that encroaches on an established riparian zone. In addition, a Stream Alteration Permit may be required before construction (see Appendix D, Coordination). The permit may limit construction to accommodate spawning periods for fish and would likely require a revegetation plan if existing riparian vegetation would be affected. River banks should be stabilized by regrading and revegetating slopes in areas with bank erosion.



*Section 106 and Section 110 of the National Historic Preservation Act (Idaho State Historic Preservation Office).* Sections 106 and 110 of the National Historic Preservation Act require that historical and archeological resources be evaluated for eligibility for the NRHP and that affected eligible resources are preserved or documented. ITD would consult with the Idaho State Historic Preservation Office (SHPO) on project impacts. The consultation would be completed before the project is initiated.

*Construction-Related Permits and Clearances (Various Agencies).* The contractor would be responsible for obtaining all construction-related permits and other environmental clearances for activities occurring outside the right-of-way such as construction staging areas, borrow areas, and batch plant sites.

## **4.6 Conclusion**

The project team has received input from all stakeholders including property owners, business owners and tenants, and agency and Tribal contacts affected by the project as well as other local interest groups and community groups. The public has identified improving east-west connectivity and improving long-term safety at the Cheyenne Avenue/UPRR crossing as priorities. This input has been useful in helping the project team balance and prioritize the alternatives to meet the needs of the public as a whole.

All comments will be considered before FHWA issues a decision on the project.

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